

# HOUSE BILL REPORT

## HB 3058

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**As Reported by House Committee On:**  
State Government Operations & Accountability

**Title:** An act relating to updating public records provisions.

**Brief Description:** Updating public records provisions.

**Sponsors:** Representatives Green, Nixon, Haigh, Hunt and Lantz; by request of Secretary of State.

**Brief History:**

**Committee Activity:**

State Government Operations & Accountability: 1/25/06, 1/30/06 [DPS].

**Brief Summary of Substitute Bill**

- Allows the State Archivist to assign a designee to serve on the state and local government records committee;
- Adds definitions of key terms; and
- Clarifies responsibilities of the state and local government records committees.

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### HOUSE COMMITTEE ON STATE GOVERNMENT OPERATIONS & ACCOUNTABILITY

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Haigh, Chair; Green, Vice Chair; Nixon, Ranking Minority Member; Clements, Assistant Ranking Minority Member; Hunt, McDermott, Miloscia, Schindler and Sump.

**Staff:** Marsha Reilly (786-7135).

**Background:**

Public records are required to be preserved, stored, transferred, destroyed or disposed of, and managed in accordance with provisions of law.

The State Archivist manages the division of archives and records management in the Office of the Secretary of State to insure the proper management and safeguarding of public records. The State Archivist manages the state archives, catalogs and arranges the retention of all state public records, insures the maintenance and security of all state public records, operates a

microfilming bureau, and directly supervises the destruction of public records that are authorized to be destroyed.

The State Records Committee (Committee) consists of the State Archivist, an appointee of the State Auditor, an appointee of the Attorney General, and an appointee of the Director of the Office of Financial Management. The Committee meets at least quarterly to approve, modify, or disapprove recommendations on retention schedules and to approve or reject requests to destroy any public records.

The Local Records Committee, consisting of the State Archivist, an appointee of the State Auditor, and an appointee of the Attorney General, considers retention schedules and requests to destroy noncurrent public records by county, municipal, and other local government agencies.

For purposes of the preservation and destruction of public records statutes, "public record" includes any "paper, correspondence, completed form, bound record book, photograph, film, sound recording, map drawing, machine-readable material, compact disc meeting current industry ISO specification, or other document, regardless of physical form or characteristics, and including such copies thereof, that have been made by or received by any agency of the state of Washington in connection with the transaction of public business, and legislative records as described in RCW 40.14.100."

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### **Summary of Substitute Bill:**

The statutes governing the preservation and destruction of public records are repealed and rewritten for purposes of organization and clarity. Definitions are added for the following terms:

- general retention schedule;
- records retention schedule;
- records series;
- retention period;
- state agency; and
- unique retention schedule.

The definition for "public record" is defined as "any record, original or copy, containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, received, used, or owned by any state or local agency regardless of physical form or characteristic."

The duties of the State and Local Records Committees are clarified. The State Archivist may designate a representative to each committee in lieu of personally serving on the committee and the appointing authorities for each committee may also appoint an alternate member to serve in the absence of the primary appointee.

### **Substitute Bill Compared to Original Bill:**

The definitions for state agency and local agency were removed in the substitute bill. The substitute bill clarifies that the State Archivist is to centralize, as well as administer and manage, the division of the archives, and that the duties of the State Archivist are to gather and disseminate to interested agencies information on all phases of records management. It reinstates provisions that require the State Archivist to supervise the destruction of state records.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Substitute Bill:** The bill takes effect 90 days after adjournment of session in which bill is passed.

**Testimony For:** This bill removes archaic language, reorganizes that statute, and makes changes that make it easier for the State and Local Records Committees to function. There is a substitute bill available, and in that bill the definitions for state and local agency were pulled. The only major change was to allow the State Archivist to designate a representative to both the State and Local Records Committees.

**Testimony Against:** None.

**Persons Testifying:** Shane Hamlin and Jerry Handfield, Office of the Secretary of State.

**Persons Signed In To Testify But Not Testifying:** None.